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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,315	12/23/2004	Gunter Hrazdjira	HRAZDJIRA-1 PCT	9094
25889	7590	05/04/2007	EXAMINER	
WILLIAM COLLARD			SPAHN, GAY	
COLLARD & ROE, P.C.				
1077 NORTHERN BOULEVARD			ART UNIT	
ROSLYN, NY 11576			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/519,315		HRAZDJIRA, GUNTER	
	Examiner		Art Unit	
	Gay Ann Spahn		3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>17 August 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 17 August 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

However, the last two references (i.e., items "AM" and AN) in the "Foreign Patent Documents" section have been lined through as not being considered because there is no explanation of relevance for DE 2 318 203 and DE 93 14 954.9 which are both German language documents and thus, the submission of these documents does not comply with 37 C.F.R. § 1.98(a)(3)(i).

Drawings

The drawings are objected to because:

(1) Fig. 1, the arcuate-shaped lines ending in double arrows in the middle of the figure should have lead lines leading from them to reference numerals and a description should be put in the specification as to what the arcuate-shaped lines ending in arrows shows (i.e., direction of rotation of annular regions 3);

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(2) Figs. 2a, 2b, 3b, and 3c, the lifting and lowering device (4) should not be represented by solid black, but since these figures are cross-sections, if the lifting and lowering device (4) is metal it should have the metal symbol (i.e., uniformly spaced thin cross-hatching) or if not particular material, then just the outline of the lifting and lowering device should be shown;

(3) Fig. 2a. and Fig. 2b cannot be connected by the dashed lines one-third of the way from the left-hand side and two-thirds of the way from the left-hand side;

(4) Fig. 2a, the lines ending in arrows on the vertical portion of the lifting and lowering device (4) should have lead lines leading from them to reference numerals and a description should be put in the specification as to what these lines ending in arrows show (i.e., direction of movement of lifting and lowering device 4);

(5) Fig. 2b, both reference numerals "7" on the bottom of the figure should have a lead line leading to the structure it is representing;

(6) Fig. 2b, the lines ending in double arrows on the movable ring segments (3_{seg}) or slabs should have lead lines leading from them to reference numerals and a description should be put in the specification as to what these lines ending in arrows shows (i.e., direction of movement of ring segments 3_{seg});

(7) Fig. 3b, the lines ending in arrows on the vertical portion of the lifting and lowering device (4) should have lead lines leading from them to reference numerals and a description should be put in the specification as to what these lines ending in arrows show (i.e., direction of movement of lifting and lowering device 4); and

(8) Fig. 3c, the lines ending in double arrows on the movable ring segments (3_{seg}) or slabs should have lead lines leading from them to reference numerals and a description should be put in the specification as to what these lines ending in arrows shows (i.e., direction of movement of ring segments 3_{seg}).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is not in narrative form (i.e., the one lone run-on sentence spanning from line 2 to the second to last line, similar to claim form, should be rewritten into short, direct, concise sentences so as to be in narrative form). Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.

- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject

matter of the claimed invention. This item may also be titled "Technical Field."

- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.

There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

The disclosure is objected to because of the following informalities:

(1) the specification does not have the proper headings which should be inserted as noted above; and

(2) claim numbers may not be referred to in the specification as claim numbering may change during prosecution and therefore:

page 1, line 4, the reference to "Claim 1" should be deleted;

page 2, lines 8 and 9, the reference to "Claim 1" should be deleted;

page 3, lines 10, 23, and 30, the reference to "Claim 1", "Claim 2", and "Claim 3", respectively, should be deleted; and

page 4, lines 2, 12, 14, 15, 21, and 24, the reference to "Claim 4", "Claim 5", "Claim 2", "Claim 6", "Claim 5", and "Claims 7 and 8", respectively, should be deleted.

Appropriate correction is required.

Claim Objections

Claim 6 is objected to because of the following informalities:

(1) claim 6, line 3, after the word "next", the word --to-- should be inserted for proper grammar.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 2-5, the recitation of "a first part (1) of the sales and presentation regions (1, 2) being arranged in such a way that it at least partially encloses an essentially circular region" is vague, indefinite, and confusing because it is believed that the claim should recite that --a first part of one of the sales and presentation regions is arranged to at least partially enclose an essentially circular region-- (i.e., the first part is not of both the sales and presentation regions 1 and 2, but is believed to be only of one of the sales and presentation regions 1 and 2).

Claim 1, lines 5-7, the recitation of "a second part (2) of the sales and presentation regions (1, 2) being arranged in such a way that it at least partially covers an essentially circular region" is vague, indefinite, and confusing because it is not

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understood what is meant by “covers”. Is Applicant trying to say that the second part is a subset of the essentially circular region?

Further, the recitation of “an essentially circular region” is vague, indefinite, and confusing as lacking antecedent basis because it is not understood if this is meant to refer back to “an essentially circular region” introduced in lines 4-5 or is another essentially circular region in addition to “an essentially circular region” introduced in lines 4-5.

Claim 1, the recitation of “wherein the essentially annular region (3) is rotatably mounted in the horizontal direction and divided into ring segments (3_{seg}), which are movable in the vertical direction via lifting and lowering devices (4)” is vague, indefinite, and confusing because since only one annular region has been defined (i.e., not both annular regions shown in the figures), it is believed that only one lifting and lowering device are used to move the ring segments in the vertical direction (i.e., the other lifting and lowering device is used to move the ring segments of the other annular region) and therefore, it is not understood why plural lifting and lower devices are being recited.

Claim 2, lines 2-4, the recitation of “wherein the lifting and lowering devices (4) are implemented as lifting stages, over which the ring segments (3_{seg}) slide in the course of the rotational movement of the annular region (3) and on which the ring segments (3_{seg}) rest during a standstill of the annular region” is vague, indefinite and confusing since it is not understood what constitutes “lifting stages”.

Claim 3, line 4, the recitation of “the lifting stages” is vague, indefinite, and confusing as lacking antecedent basis since “lifting stages” were introduced in claim 2,

not claim 1 and therefore, the examiner suggests amending the dependency of claim 3 to be on claim 2, not claim 1.

Claim 4, line 4, the recitation of "the lifting stages" is vague, indefinite, and confusing as lacking antecedent basis since "lifting stages" were introduced in claim 2, not claim 1 and therefore, the examiner suggests amending the dependency of claim 4 to be on claim 2, not claim 1.

Claim 5, line 3, the recitation of "wherein exactly one lifting and lowering device is provided" is vague, indefinite, and confusing because claim 1, on which claim 5 directly depends, recites plural "lifting and lowering devices" (line 18) so that Applicants cannot now recite that this is only one lifting and lowering device.

Claim 6, lines 2-5, the recitation of "wherein multiple sales and presentation areas are positioned next one another, whose respective annular regions (3) nearly touch in the region of the respective lifting and lowering devices (4)" is vague, indefinite, and confusing because Figure 1 shows a single sales and presentation area made up of two sales and presentation regions, wherein each sales and presentation region are made up of an outer part (1), an inner part (2), an annular region (3), and half of a freely travelable section (13). The examiner suggests that the claims would be more understandable if claim 1 recited only a first sales and presentation region (instead of plural sales and presentation regions) and claim 6 recite a second sales and presentation region located adjacent the first sales and presentation region.

Claims 7 and 8, lines 3-4, the recitation that "the ring segments are differently designed with the aid of light, sound, or smell effects" is vague, indefinite, and confusing

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since it is not understood how the ring segments are "differently designed with the aid of light, sound, or smell effects." It is noted that on page 9, lines 13-21, the specification states that :

To produce the desired sound and light effects, centrally controlled public address systems having loudspeakers 9 and light facilities having movable spotlights 10, as well as multimedia projection devices, may be provided.

However, this sentence is not enough for one of ordinary skill in the art to be able to understand how the ring segments are "differently designed with the aid of light, sound, and smell effects." For instance, doesn't the centrally controlled public address system having loudspeakers 9 tend to provide the same sound effect to each of the ring segments? How do the movable spotlights make the ring segments differently designed with the aid of light effects?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over TELLER (U.S. Patent No. 2,764,783) in view of BEASLEY (U.S. Patent No. 6,148,568) and RAY (U.S. Patent No. 5,365,704).

As to claim 1 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), TELLER discloses a sales and presentation area having

individual sales and presentation regions (10, 11/12),

a first part (10) of the sales and presentation regions (10, 11/12) being arranged in such a way that it at least partially encloses an essentially circular region (11/12) and

a second part (12) of the sales and presentation regions (10, 11/12) being arranged in such a way that it at least partially covers an essentially circular region (11/12),

the region at least partially covered by the second part (12) of the sales and presentation regions (10, 11/12) having a smaller outer circumference than the outer circumference of the region which is at least partially enclosed by the first part (11) of the sales and presentation regions (10, 11/12), so that an essentially annular region (11) is defined between the first part (10) and the second part (12) of the sales and presentation regions (10, 11/12),

wherein the essentially annular region (11) is rotatably mounted in the horizontal direction (col. 2, lines 21-26).

However, TELLER fails to explicitly disclose that the essentially annular region is divided into ring segments, which are movable in the vertical direction via lifting and lowering devices.

BEASLEY discloses a rotatable essentially annular region (Fig. 12) which is divided into ring segments (22, 22, . . .).

RAY discloses lifting and lowering devices (columns 61, 61, 61 of lift assembly 55) which raise and lower floor segments (32, 34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sales and presentation area of TELLER by: (1) making the essentially annular region be divided into ring segments as taught by BEASLEY in order to be able to more easily move the ring segments than the entire annular floor; and (2) including a lifting and lowering device to raise and lower the floor segments as taught by RAY in order to be able to change floor segments for different activities to be conducted on the annular region.

As to claim 2 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), TELLER in view of BEASLEY and RAY discloses the sales and presentation area of claim 1 as discussed above, and the resulting sales and presentation area from the combination of TELLER in view of BEASLEY and RAY also discloses that the lifting and lowering devices (61, 61 of lift assembly 55 of RAY) are implemented as lifting stages, over which the ring segments (22 of BEASLEY) slide in the course of the rotational movement of the annular region (11 of TELLER) and on which the ring segments (22 of BEASLEY) rest during a standstill of the annular region (11 of TELLER).

As to claim 3 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), TELLER in view of BEASLEY and RAY discloses the sales and presentation area of claim 1, and the resulting sales and presentation area from the combination of TELLER in view of BEASLEY and RAY also

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discloses that rooms (14, 16, etc. of RAY), into which the ring segments (22 of BEASLEY) may be pushed in the radial direction if the lifting stages (columns 61, 61 of lift assembly 55 of RAY) are correspondingly lowered, are provided below the sales and presentation regions (10, 11/12 of TELLER).

As to claim 4 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), TELLER in view of BEASLEY and RAY discloses the sales and presentation area of claim 1, and the resulting sales and presentation area from the combination of TELLER in view of BEASLEY and RAY also discloses that multiple rooms (14, 16, etc. of RAY), into which the ring segments (22 of BEASLEY) may be pushed in the radial direction if the lifting stages (columns 61, 61 of lift assembly 55 of RAY) are correspondingly lowered, are positioned one below another under the sales and presentation regions (10, 11/12 of TELLER).

As to claim 5 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), TELLER in view of BEASLEY and RAY discloses the sales and presentation area of claim 1, and the resulting sales and presentation area from the combination of TELLER in view of BEASLEY and RAY also discloses that exactly one lifting and lowering device (55 of RAY) is provided.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over TELLER (U.S. Patent No. 2,764,783) in view of BEASLEY (U.S. Patent No. 6,148,568) and RAY (U.S. Patent No. 5,365,704), as applied to claim 5 above, and further in view of GREENSPAN (U.S. Patent No. 3,742,932).

As to claim 6 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), TELLER in view of BEASLEY and RAY discloses the sales and presentation area of claim 5.

However, none of TELLER, BEASLEY, and RAY explicitly disclose that multiple sales and presentation areas are positioned next one another, whose respective annular regions (3) nearly touch in the region of the respective lifting and lowering devices (4).

and the resulting sales and presentation area from the combination of TELLER in view of BEASLEY and RAY also discloses that multiple sales and presentation areas are positioned next one another, whose respective annular regions (3) nearly touch in the region of the respective lifting and lowering devices (4).

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over TELLER (U.S. Patent No. 2,764,783) in view of BEASLEY (U.S. Patent No. 6,148,568) and RAY (U.S. Patent No. 5,365,704), as applied to claim 5 above, and further in view of either EVANS (U.S. Patent No. 4,305,117) or HEILIG (U.S. Patent No. 3,469,837).

As to claims 7 and 8 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), TELLER in view of BEASLEY and RAY discloses the sales and presentation area of claim 1.

None of TELLER, BEASLEY, and RAY explicitly discloses that the ring segments (3sag) are differently designed with the aid of light, sound, or smell effects.

EVANS discloses that it is well known in shopping malls to use illuminated fountains to provide pleasing light and sound effects.

HEILIG discloses that use of strategically placed loudspeakers (13) to produce pleasing sound effects.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sales and presentation area of TELLER in view of BEASLEY and RAY by making the ring segments be designed with the aid of light or sound effects as taught by EVANS or HEILIG in order to improve a customer's shopping experience by providing aesthetically pleasing light and sound effects.

Double Patenting

Applicant is advised that should claims 7 and 8 be found allowable, claim 8 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-

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7731. The examiner can normally be reached on Monday through Thursday, 8:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko N. Slack can be reached on (571)-272-6848. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

^{GAS}
Gay Ann Spahn, Patent Examiner
April 29, 2007



Carl D. Friedman
Supervisory Patent Examiner
Group 3600